

Applicant: Konah Duche
 Date: March 20, 2022
 Project Address: 1313 West Virginia Avenue NE - Square 4064 Lot 0081
 Zoning District: R-1
 Scope of Work: Construction of a new one story accessory building – Garage with roof top deck
 Variance Sought: *Area Variance to exceed maximum lot occupancy to proposed 72.1%
*Area Variance to exceed maximum building area by 257.6 square feet and exceed maximum accessory
*Area Variance to exceed building area by 42.5 square feet.
 Special Exception Sought ; *Special Exception to deviate from minimum pervious surface area by 5.6%

FORM 120 – Applicants Burden of Proof for Variance and Special Exception Applications

Number	Type of Relief	Zoning Sections	Reason [or Basis]
1	Area Variance	E-304.1 X-1001.2 X-1002.1 (a)	Construction of an Accessory Building that exceeds the maximum permitted lot occupancy.
2	Area Variance	E-5201.2 (d)X-1001.2 X-1002.1 (a)	Construction of an Accessory Building that exceeds the maximum permitted building area.
3	Special Exception	E-206.4 E-5201.1 (d) X-901.2	Construction of an Accessory Building on a lot that does not conform with the minimum pervious surface.

The existing property located as 1313 West Virginia Avenue NE is a trapezoidal shaped lot abutted by two alleyways on the north and east property lines with a masonry party wall and West Virginia Avenue at the west and south property lines respectively. The dimensions for the property are 15'-0" wide at West Virginia Ave façade and widen to 20'-0" at the rear alley way with an overall length of 73'-6". The total gross lot area is 1,314 square feet (SF).

This property is of exceptional uniqueness as it has considerable narrowness and is undersized in comparison to the adjacent lots in the Trinidad neighborhood. To exacerbate its unique size and shape the lot is located amongst a growingly dense neighborhood and is situated immediately adjacent to a bustling thoroughfare compromising safety and security. The combination of these factors contributes to the hinderance of effortless accessibility and quiet enjoyment for the Duche family. In response Konah Duche seeks remedy by improving upon the sites existing conditions to afford his family the ultimate safety and comforts of being a District of Columbia resident.

The Duche Family has lived in the residence at 1313 West Virginia Avenue for 15 years. During this time the neighborhood population has grown, exponentially. Traffic laws have been enhanced and neighborhood parking has dwindled. These growing pains have created the immediate need for safe reliable access to and from resident vehicles.

In summary the applicant seeks to add a 20'x20' garage with roof top deck to the rear of their property at the abutting alleyways. This increase in the property's density will be mitigated by its nestling amongst neighboring garages and structures. The proposed garage will significantly improve their day-to-day security by creating immediate and adjacent access to the family vehicles. Since the property is located upon a very busy thoroughfare at West Virginia Avenue and a local alleyway, it is highly desirable the Duche family have a high level of quiet enjoyment and maximize the privacy of their residence. The proposed garage and roof top deck meet that remedy to the fullest.

The proposed garage will be a welcomed resource amongst the growing complication of parking and loading in the Trinidad neighborhood. ultimately the addition of two private parking spaces will lessen the burdensome load neighboring residence. Please find the request for variance and special exception as a remedy to the growing needs of the Duche family amongst a dynamic cityscape.

Burden of Proofs - Variances:

1. The physical characteristic of the property:

A. Make it difficult for the owner to use the property in compliance with the Zoning Regulations (Area Variance) – i.e. shape and size of the property, unusual topographic or slope, soil conditions, etc.

The physical size and location of the property make it difficult for the Duche family to safely access adequate parking, loading and utilize their property to its highest and best use through privacy and quiet enjoyment. Due to the small footprint of their lot, current zoning regulations will not allow any proposed expansion to accommodate these immediate needs. This lack of parking, loading and privacy make it challenging to use their property to its most desirable use thereby creating a unique situation and hardship. Since privacy, safe circulation is a key aspect to quiet enjoyment and use of their property, the proposed garage is the cure all for moving about the daily activities of life as a District of Columbia resident.

2. Granting the application will not be of substantial detriment to the public good – ie. Traffic, noise, lighting etc.

Massing & Appearance

The neighboring buildings on the same street block to West Virginia Avenue are all two-story row structures. The proposed Garage Addition will contribute to the permanency and appearance of residential dwellings on West Virginia Avenue. This structure guarantees future use as a residence by fortifying typical attributes to residential dwellings, i.e. private garages, private outdoor living spaces. The massing of the proposed structure is isolated from the street façade, as it abuts a rear alley and does not propose a substantial visual impact from the streetscape. Furthermore, some adjacent residential buildings bordering this property have garages of similar character and size as what we are proposing. See attached illustrations for details.

Uses & Traffic

The current use as a residential structure shall remain and there is no proposed intent to substantially increase occupancy and or vehicular use. Providing two private parking spaces to the property will enhance vehicle flow and will not be burdensome to existing traffic patterns. Ultimately traffic and noise will be unaffected because there is no change in use or increase in traffic.

3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

The intent of the regulations to control height, bulk, and size of buildings would remain intact if this application is approved, because the amount of construction is moderate and will not adversely impact the neighbors, change of use, restrict light or air or respond negatively to the appearance of the street scape. The goal of the plan to maintain urban living conditions along West Virginia Avenue will not be compromised by the proposed project. The existing building façade will be unchanged and continue to promote a strong, sophisticated street presence. Furthermore, it will continue the line of residential dwellings already existing on West Virginia Avenue. The proposed accessory parking structure is located on site with no increase in vehicular load. The private garage will not adversely affect the density of residential uses in the neighborhood. In closing this accessory garage will not be a detriment to the existing envelope and character of the existing neighborhood.

Burden of Proofs – Special Exception:

The Applicant requests the granting of special exception pursuant to Subtitle E §§206.4 and 5201.1(d), for the construction of a roof top deck and a 5.6% deviation from the 20% pervious surface requirement.

Under Subtitle X § 901.2 the Board may grant special exception for an addition to a principal residence where it finds the special exception:

- 1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- 2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;
- 3) Will meet such special conditions as may be specified in this title.

and subject to the conditions of Subtitle E § 5207.

(a)The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- 1) The light and air available to neighboring properties shall not be unduly affected;
- 2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
- 3) The proposed construction, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage;

The granting of special exception in this case "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps" and "will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. Given the location and scale of the Addition, the Building's mass and height will remain in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect the homes to the surrounding area. Furthermore:

- The existing residence is a attached single family dwelling and its use shall remain unchanged
- The proposed addition will be attached to the existing building via 10-foot-high masonry privacy wall.
- The addition will not unduly affect the light and air available to the only neighboring property to the east. The Addition will have a small footprint, its mass and proportions are crafted in harmony with the architectural fabric of the existing home and its adjacent properties. Neighbors have reviewed proposed plans and granted permission via signed neighbor consent letters.
- The privacy of use and enjoyment of any neighbors will not be unduly compromised by the proposed Garage Addition, as the new garage will be built at the intersection of alleyways disconnected from neighboring structures. There is sufficient access to the new garage and will not hinder access to neighboring properties. Neighbors have reviewed proposed plans and granted permission via signed neighbor consent letters.
- The Garage Addition does not visually intrude upon the character, scale, or pattern of residences on West Virginia Avenue. Although the Garage Addition is visible from the public alley its architectural design is in keeping with existing neighborhood design elements.
- The positioning of the Garage Addition does not impede any solar equipment. Relative low height at 12 feet above grade and disconnected from neighboring structures the proposed garage addition is not situated in proximity to any accessory solar uses.